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09/605,544	06/29/2000	Colin S. Cole	3797.86783	8016

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EXAMINER
STRANGE, AARON N

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/605,544	COLE ET AL.
	Examiner	Art Unit	
	Aaron Strange	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 November 2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-10,12-16 and 18-22* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-10,12-16 and 18-22* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 11/21/2005 have been fully considered but they are

not persuasive.

2.   With regard to claim 1, and Applicant's assertion that the combination of Hughes

and Dutta fails to teach a plugin "configured to create an object from the markup

language of the data file" or creating the object (Page 6, Line 18 to Page 7, Line 9 of

Remarks), the Examiner respectfully disagrees. Hughes teaches creating an object

(payee, amount, and/or payor) from the markup language (SGML) of the data file (Col 9,

Lines 47-57) using an attached plugin (template). The plugin (template) is used to

interpret the message and extract portions of the message to create the objects needed

to appropriately process the message.

3.   The Examiner would also like to note that the amendments to claim 12 are not

sufficient to overcome the rejection of that claim presented under 35 USC 112, first

paragraph. The claim still recites a data structure containing 5 elements, one of which is

"an attached plugin". The specification does not provide support for a data structure

containing a plugin. The Examiner recommends amending the claim to recite, "A

computer readable medium having stored thereon: " (elements a-d) and "a plugin

configured....the predetermined schema", or a similar recitation which clearly shows

that the plugin is not a part of the data structure containing the various data fields.

Claim Rejections - 35 USC § 112

4.   Claims 12-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

5.   With regard to claim 12, the limitation "a plugin .....with the predetermined

schema" is not described in the specification. The specification fails to provide support

for a data structure containing a plugin with the claimed characteristics in addition to the

other 4 fields recited in claim 12. The specification describes a data structure containing

the first 3 fields on Page 3 of the specification, by at no point does it describe including

a plugin in the data structure.

6.   All claims not individually rejected are rejected by virtue of their dependency from

the above claims.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1,6-8,10,16,19,20, and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212).

9.   With regard to claim 1, Hughes discloses a method for exchanging data between

a source location and a destination location (column 5, lines 39-41) comprising:

generating a data file formatted in a markup language in accordance with a

predetermined schema (column 8, lines 35-39);

generating a first software envelope containing the data file (column 6, lines 6-

14);

transmitting the data file software envelope to the destination location (column 5,

lines 64-67 – column 6, lines 1-5); and

creating the object from the markup language of the data file with a plugin

corresponding to the predetermined schema (column 9, lines 25-32 and 47-57).

However, Hughes fails to specifically disclose that the plugin is attached to the software

envelope.

Dutta teaches including a plugin with a data file in response to a request for a

data file which the client does not have the capability to view. The plugin is transmitted

along with the data object so that the client may install the plugin and view/process the

data file correctly (Col 7, Line 63 to Col 8, Line 11). This would have been an especially

advantageous addition to the system disclosed by Hughes since it would allow data files

to be packaged with the appropriate plugin to ensure that the client can properly

understand them.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to include the appropriate plugin with the data file in order

to ensure that the client could properly understand the data file.

10.   With regard to claim 6, 19, and 22, Hughes further discloses wherein the markup

language comprises standard generalized markup language (SGML) (Col 8, Lines 35-

39).

11.   With regard to claim 7, Hughes further discloses wherein the step of transmitting

comprises transmitting the software envelope via electronic mail (Col 8, Lines 43-44).

12.   With regard to claim 9, Hughes further discloses wherein the step of transmitting

comprises transmitting the software envelope via an intermediate server (Col 5, Lines

48-52).

13.   With regard to claim 10, Hughes further discloses a computer-readable medium

having computer-executable instructions for performing the steps recited in claim 1

(Note that it is inherent that in order to perform the method steps there must be a

computer-readable medium with computer-executable instructions.).

14.   With regard to claim 16, Hughes discloses a method for creating data at a source location to transmit to a destination location (column 5, lines 39-41), comprising the steps of:

generating a data file formatted in a markup language in accordance with a predetermined schema (column 8, lines 35-39);

identifying a plugin corresponding to the predetermined schema that is configured to create an object from the markup language of the data file (column 9, lines 25-32);

generating a software envelope containing the data file (column 6, lines 6-14); and

transmitting the software envelope to the destination location (column 5, lines 64-67 – column 6, lines 1-5). However, Hughes fails to specifically disclose attaching the plugin to the software envelope.

Dutta teaches including a plugin with a data file in response to a request for a data file which the client does not have the capability to view. The plugin is transmitted along with the data object so that the client may install the plugin and view the data file correctly (Col 7, Line 63 to Col 8, Line 11). This would have been an especially advantageous addition to the system disclosed by Hughes since it would allow data files to be packaged with the appropriate plugin to ensure that the client can properly understand them.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to include the appropriate plugin with the data file in order

to ensure that the client could properly understand the data file.

15.   With regard to claim 20, Hughes discloses a method for extracting data from a

file transmitted from a source location, comprising the steps of:

receiving a software envelope containing a data file marked up with a markup

language in accordance with a predetermined schema (column 5, lines 64-67 – column

6, lines 1-5);

receiving a plugin, wherein the plugin corresponds to the predetermined schema

and is configured to create an object from the markup language of the data file (column

9, lines 25-32);

and creating the object from the markup language of the data file with the plugin

(column 9, lines 47-57). However, Hughes fails to specifically disclose that the plugin is

attached to the software envelope.

Dutta teaches including a plugin with a data file in response to a request for a

data file which the client does not have the capability to view. The plugin is transmitted

along with the data object so that the client may install the plugin and view the data file

correctly (Col 7, Line 63 to Col 8, Line 11). This would have been an especially

advantageous addition to the system disclosed by Hughes since it would allow data files

to be packaged with the appropriate plugin to ensure that the client can properly

understand them.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the appropriate plugin with the data file in order to ensure that the client could properly understand the data file.

16.   Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212) in further view of Chen et al. (US 6,507,856).

17.   With regard to claim 2, while the system disclosed by Hughes in view of Dutta shows substantial features of the claimed invention (discussed above), it fails to disclose generating a second software envelope from the information contained in the first software envelope.

Chen discloses a system for exchanging messages over a network including automatically generating a second software envelope from the information contained in the first software envelope (Col 3, Lines 50-60). This would have been an advantageous addition to the system disclosed by Hughes in view of Dutta since it would have provided greater efficiency when transferring a document back to the original destination.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to generate a second software envelope form the information contained in the first software envelope since it would have provided greater efficiency when transferring a document back to the original destination.

18.   With regard to claim 3, Chen further discloses generating a second envelope

having a destination address matching the source address of the first envelope (Col 3,

Lines 50-60).

19.   With regard to claim 4, Chen further discloses generating a second software

envelope having a destination address determined by the state information (Col 3, Lines

50-60).

20.   Claims 5, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hughes (US 6,122,372) in view of Dutta et al. (US 6,615,212) in further view of

Lection et al. (US 6,446,110).

21.   With regard to claims 5, 18, and 21, while the system disclosed by Hughes in

view of Dutta shows substantial features of the claimed invention (discussed above), it

fails to specifically disclose that the markup language comprises extensible markup

language (XML).

        Lection discloses using the well-known markup language XML to generate a data

File (Col 6, Lines 34-35 and Fig 13A). This would have been an advantageous addition

to the system disclosed by Hughes and Dutta since XML allows great flexibility in

organizing and presenting information in the data file.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to use XML as the markup language in the system

disclosed by Hughes and Dutta since it is a well-known language that allows great

flexibility in organizing and presenting information in the data file.

22.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes

(US 6,122,372) in view of Dutta et al. (US 6,615,212) in further view of Official Notice.

23.   With regard to claim 8, while the system disclosed by Hughes in view of Dutta

shows substantial features of the claimed invention (discussed above), including that

the messages may be transmitted "by HTML" (Col 8, Lines 43-47), it fails to specifically

recite that the step of transmitting comprises transmitting the software envelope via

HTTP.

The Examiner takes Official Notice that transmitting messages via HTTP is old

and well-known in the art. HTML messages are usually transmitted via HTTP, during

operations such as loading a web page. HTTP would have been the most common

means of transmitting HTML at the time the invention was made, and would almost

certainly have been used.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to use HTTP to transmit HTML formatted messages since

HTTP is the most common transport protocol for HTML.

24.   Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lection et al. (US 6,446,110) in view of Dutta et al. (US 6,615,212).

25.   With regard to claim 12, Lection discloses a computer-readable medium having

stored thereon a data structure comprising:

        a data field containing address information (see column 9, line 19 ("host port

number"));

        a data field containing the identification of a predetermined schema (see column

9, lines 4-6);

        a data field containing a data file formatted with a markup language in

accordance with the schema (figures 13A-13E, col. 10 lines 14-19); and

        a data field containing manifest information corresponding to the information

contained in the data file data field (see figure 10A-10E, column 9, lines 7-9 and 22-30).

However, Lection fails to disclose that the data structure comprises an attached plugin

configured to create an object from the markup language data file in accordance with

the predetermined schema.

        Dutta teaches including a plugin with a data file in response to a request for a

data file which the client does not have the capability to view. The plugin is transmitted

along with the data object so that the client may install the plugin and view the data file

correctly (Col 7, Line 63 to Col 8, Line 11). This would have been an especially

advantageous addition to the data structure disclosed by Lection since it would allow

data files to be packaged with the appropriate plugin to ensure that the client can

properly understand and utilize them.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to include the appropriate plugin with the data file in order

to ensure that the client could properly understand and utilize the data file.

26.   With regard to claim 13, Lection further discloses a data field containing state

information (see column 9, lines 16-18).

27.   With regard to claim 14, Lection further discloses wherein the state information

contains address information (see column 9, line 19 ("host port number")).

28.   With regard to claim 15, Lection further discloses wherein the address

information contains an address for replying to a message (see Fig. 4; Note that the

double arrows show that the datastreams are going in both directions between the

source and destination and therefore the address information must contain an address

for replying to the datastream message in order for it to be transmitted back to the host).

Conclusion

29.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Aaron Strange whose telephone number is 571-272-

3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

AS
2/6/2006

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